

**REMARKS**

This being filed in response the non-final Office Action mailed on September 23, 2008. In that Office Action, claims 1-20 were rejected on prior art grounds. Accordingly, claims 1-20 are currently pending in the application.

**Claim Rejections**

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Vieweg (U.S. Patent 6,611,194) in view of "Bonita Software Demonstrates ToGo In-Vehicle Solutions, a Java-based Telematics Technology at Convergence 2000 Business Editors," High Tech Writers, October 16, 2000. The rejection is respectfully traversed for the reasons discussed below.

As noted in Applicants' last response, Vieweg is directed to a method for inserting a service key in a terminal. Vieweg discloses the retrieval of encrypted service data transmitted to a terminal from a service center via a communication channel. For instance, a terminal contains a decoding key that is placed in the terminal during manufacture. A service center encodes a service key with a coding key and transmits the service key to the terminal. The terminal can then decode the service key with the decoding key and use the service key to decode encrypted data transmitted by the service center.

Vieweg indicates that the service keys can be used to control subscription services. In the background section, Vieweg states that it may be desirable for the service keys to be registered only for a period of time so that they expire in the terminal. Then, Vieweg states in the summary section that his method allows for the insertion of new service keys when a subscription period has expired for a particular service. Other than these two single sentence excerpts, Vieweg appears to be entirely silent on the issue of his service key expiration. Nonetheless, the Examiner has relied heavily on these two sentences to conclude that Vieweg teaches deactivation of a vehicle telematics device.

Bonita is directed to automobile manufacturers remotely releasing and updating new applications wirelessly to an automobile in a branded fashion and allowing the vehicle occupants to download customizable application sets. Bonita teaches the creation of multiple profiles containing unique information and entertainment programs to suit their individual needs. Bonita discloses a specially configured powertrain calibration and gauge application delivered to a customer when they are towing a boat. Once finished towing, the customer can cancel the subscription to the application and the powertrain and dashboard resume their normal configurations.

Claim 1 involves a method for managing a vehicle telematics device subscription service cycle at a vehicle telematics device. The method include associating a vehicle telematics device with a vehicle telematics subscription service, maintaining subscription service data at the vehicle telematics device, and deactivating the vehicle telematics device at the vehicle at the expiration of the subscription service based on the subscription service data. The deactivating step comprises placing a communication from the vehicle telematics device and surrendering at least one identification number previously assigned to the vehicle telematics device. While the following arguments are described in relation to claim 1, and independent claims 10 and 18 contain different limitations than claim 1, the arguments are equally valid when applied to those independent claims.

First, Vieweg fails to teach or disclose Applicants' step of deactivating the vehicle telematics device at the vehicle at the expiration of the subscription service based on the subscription service data. To help clarify the distinctions between the claimed subject matter and Vieweg, claim 1 specifies that, in deactivating the telematics unit, the method includes placing a communication from the vehicle telematics device and surrendering at least one identification number previously assigned to the vehicle telematics device. As discussed in the application, this communication can be, for example, a call to the service provider (e.g., call center), and this can be done to confirm deactivation and to disassociate the vehicle telematics device from the vehicle telematics device subscription service. The communication can instead (or additionally) be a connection to the wireless carrier service, in which case the telephone number assigned to the telematics device can

be recycled and used for new customers (e.g., for activating another wireless phone or telematics device on the wireless network). Deactivation via other communications from the telematics unit can possibly be used as well.

Vieweg nowhere teaches or suggests such steps. In particular, the Vieweg reference does not disclose or suggest any of the following: (1) deactivating the vehicle telematics device; (2) deactivating by placing a communication; and (3) deactivating by surrendering at least one previously assigned identification number. Each of these will be discussed below.

*Vieweg does not Disclose or Suggest Deactivating a Vehicle Telematics Device*

Applicants respectfully submit that expiration of a service due to expiration of the service key is not the same as deactivating a telematics device. Vieweg is preventing access to a service that may be implemented via a telematics device, but it nowhere teaches deactivation of the device itself. Expiration of a service key would amount to "effectively deactivating" the telematics device only if that device were not used for any other service, and even then might still not be an effective deactivation because, in cellular systems, for example, the telematics device would still be active with the cellular system, and thus still using resources and having the disadvantages noted by Applicants at the end of paragraph [0005] of their published application. In this regard, Applicants note that Vieweg expressly discloses not only that the method can be used in conjunction with a plurality of services (not just one), but also that it can operate in conjunction with a plurality of service providers (see 3 and 4 in his Fig. 2), and Vieweg expressly states at col. 2, lines 46-49, that the terminal can receive keys from a plurality of service centers. Thus, expiration of any one particular key does not necessarily mean that the terminal is deactivated; to the contrary, it would appear that the terminal is specifically not deactivated since it can continue to be used to provide other services or even to receive a new (replacement) service key for the one that expired.

*Vieweg does not Disclose or Suggest Deactivating by Placing a Communication*

Claim 1 specifies that the deactivation step of that claim is carried out by placing a communication from the vehicle telematics device. This is not disclosed by Vieweg, nor is there any disclosure in that reference that would suggest this limitation. Rather, to the extent that Vieweg's expiration of a service key could be considered deactivation of a service, it does not involve placing any communication from the vehicle. Instead, Vieweg teaches placing a communication for the complete opposite reason; namely, to re-activate; that is, to obtain a new service key that replaces an expired one. Vieweg nowhere teaches or suggests placing any communication for the purpose of deactivating service, much less a telematics unit, as claimed.

*Vieweg does not Disclose or Suggest Deactivating by Surrendering at least one Previously Assigned Identification Number*

This feature of claim 1 is not disclosed or suggested by Vieweg. Rather, Vieweg merely discloses by brief mention in the summary section that new keys can be provided when a subscription period has expired, but it nowhere discloses or suggests surrendering a previously assigned identification number as a part of deactivating a device. As noted in Applicants' specification, this claimed deactivation process and associated surrendering of a cellular or other identification number can be used in some embodiments to allow inactive devices to be removed from the wireless carrier system, and can also be used to allow re-use of the surrendered number. The terminal identity number discussed in Vieweg is not one that is surrendered upon expiration of a service key; rather, it is the same or similar to a serial number such as an ESN that is permanently associated with the terminal device. See, col. 3, lines 35-38, where Vieweg states that the terminal identity number is provided permanently in the terminal. Moreover, Vieweg does not disclose anything else that would constitute an identification number that is surrendered as a part of deactivating a telematics unit. The decoding key is not an identification number, nor is it surrendered when a service key expires.

Bonita Fails to Make Up For the Deficiencies of Vieweg

The Office Action does not provide valid support for the assertion that combining Bonita with Vieweg renders obvious the subject matter of claim 1. For instance, Bonita nowhere discloses or teaches Applicants' step of placing a communication from a vehicle telematics device and surrendering at least one identification number previously assigned to a telematics device. The Office Action argues that Bonita teaches a "Java-based telematics solution which allows users to cancel a subscription by placing a communications from the vehicle telematics device."<sup>1</sup> However, this disclosure still does not teach or disclose surrendering at least one identification number previously assigned to the telematics unit. And the Examiner provides no reasonable support indicating otherwise. Put simply, Bonita does not teach deactivating a telematics unit, much less doing so in the manner claimed by the Applicants. Rather, Bonita involves remotely releasing and updating new (software) applications wirelessly to the automobile in a branded fashion. Although Bonita uses the term "subscription," it only teaches use of a subscription in a case-by-case situation, such as when a driver tows a boat. The example Bonita discusses is a "specially configured powertrain calibration and gauge application to a customer for the time they are towing a boat. Once finished, the customer would simply cancel the subscription to the application and the powertrain and dashboard resume their normal configurations." Or in other words, Bonita involves adding software for a specific event and deleting it when the event no longer exists. Yet no reasonable interpretation of this teaching can include either deactivating a telematics unit or surrendering at least one identification number previously assigned to a telematics device.

Accordingly, Applicants respectfully submit that the applied references do not teach or suggest all of the subject matter of claim 1. Thus, this claim patentably defines over Vieweg and the other prior art of record. Claims 2-9 and 19-20 each ultimately depend from claim 1 and should be allowed therewith. Furthermore, independent claims 10 and 18, while directed to different statutory subject matter, include limitations

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<sup>1</sup> Non-final Office Action, September 23<sup>rd</sup>, 2008, page 5, line 21- page 6, line 1.

consistent with those discussed above, and thus should be allowed on the same basis. Claims 11-17 each ultimately depends from claim 10 and should be allowed therewith.

**Conclusion**

In view of the foregoing, Applicants respectfully submit that all claims are allowable over the prior art. Reconsideration is therefore requested. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0960 for any required fees, or to credit that same deposit account with any overpayment associated with this communication.

Respectfully submitted,

REISING, ETHINGTON, BARNES, KISSELLE, P.C.

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